

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: January 29, 2014

Item: Waller Garage Addition, 2037 S41st Ct - Request for a 16' variance of the required 50' front yard setback – Brian & Sheila Waller –
VAR-2013-008/VAR-001978-2013
(Continued from January 15, 2014 meeting)

Requested Action: Approval of a Variance request

Case Advisor: Lynne Tweed

Applicant's Request: David Kruse, Grand Homes and Renovations, on behalf of the Property Owners, Brian and Sheila Waller, is requesting approval of a 16 foot variance of the required 50 foot front yard setback for that lot located at 2037 S 41st Ct.

History: On October 5, 2011, and November 2, 2011, the Board of Adjustment reviewed a request by the Waller's for a 15' variance of the required 50' front yard setback and a 5' variance of the required 20' side yard setback to allow for a garage addition. No ruling was made on the request at the October 5th meeting due to the absence of two Board members. Additionally, no ruling was made at the November 2nd meeting in order to allow the applicant time to explore whether or not additional ground could be obtained from an adjoining property owner which would thus negate the need for the variances. It was subsequently determined that no additional ground could be obtained from the adjoining properties without making those properties non-conforming with minimum setback requirements.

The applicant has since reworked the design of the garage addition resulting in compliance with the minimum 20' side yard setback, but still necessitating a variance of the required front yard setback. A 16' variance of the required 50' setback is the subject of this Variance request.

Minutes from the October 5 and November 2, 2011 Board of Adjustment meetings are attached as exhibits 'D' and 'E'.

City Council Subcommittee: This item was mentioned at the January 2, 2014, Development and Planning City Council Subcommittee as an informational item only.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key points of interest:

- **Applicant's Request:** The applicant submitted the following information in support of their Variance Request:

"The project we are asking to be considered is an attached garage addition at 2037 S 41st Ct in West Des Moines. We are asking for a variance to the front yard set-back. One of the owner's parents will be moving in due to health reasons. We are asking to allow construction of this additional stall to house a handicap accessible vehicle."

"Due to the lot size, shape, surrounding grade and topography, we propose there is only one location for this single stall garage addition. The south and west yards are water surface flowage easement areas and the north yard is restricted by the side yard setback. Although the lot is an estate lot, the actual buildable area is extremely limited due to the topography."

"This addition will be in the character of the existing structure in style and design. It will not affect the surrounding environment and will have no detrimental impact on the public safety or surrounding property."

- **Letter of Support:** As part of the 2011 Variance Request, a letter from the Dianne and Michael Long, 2040 S 41st Ct was providing stating full support of the variance request. Additionally, the applicant provided a petition of support for the variance request signed by all of the property owners along S 41st Ct. It should be noted, since the 2011 provision of the petition, a few of the properties has changed in ownership. It is unknown if discussion regarding the garage addition and variance request has been discussed with these new residents along S 41st Ct and whether or not they are in agreement with the proposal.

Variance Findings: Title 2, Chapter 2 of the City Code discusses the variance procedure. Approval by the Board of Adjustment shall only be granted if all of the following findings are made; or if conditions and limitations, as the Board deems necessary, are imposed to allow it to make said findings. It shall be the responsibility of the applicant to prove to the satisfaction of the Board that the following findings can be made.

Based upon a review of the submitted variance request, staff provides the following information on the proposed project:

1. That the proposed development or use is consistent with the West Des Moines Comprehensive Plan and any applicable subarea plans. *The proposed development/use is consistent with the West Des Moines comprehensive plan. The property is zoned and is being used for single-family residential. The addition of the garage will not change the use of the subject property.*
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or locations, which do not generally apply to comparable properties in the same vicinity and zones. *Although zoned as Rural Estate (RE-1A), due to the long narrow configuration of the parcel in conjunction with severe topographic changes, the subject property has a buildable area that is more consistent with the R-1 Zoning District.*
3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest. *A RE-1A lot typically provides a large area in which to construct dwellings and structures in adherence to the minimum setback regulations for the district. Although staff can agree that this particular parcel is unique in that there are limits to where structures can be placed, and although the need to add the garage stall is to accommodate a family member with mobility limitations, it is difficult to determine that the desired garage addition and need for the variance is not self-imposed.*
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment. *No changes to the area have occurred. The applicant has indicated that the garage addition will be built in the same character, materials, and details as the existing structure. The proposed garage addition will not detrimentally affect the environment.*
5. That the granting of such variance does not, under the circumstances and conditions applied in this particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements. *The granting of the variance would not adversely affect the health or safety of persons, would not be materially detrimental to the public welfare and would not be injurious to nearby properties or improvements. The applicant previously provided documentation from adjoining property owners in support of the garage addition and necessary variance request.*

Noticing Information: On December 28, 2013, notice of the January 15, 2014 Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community Section. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on December 19, 2013. Due to a family conflict which prevented the property owner's from being able to attend the January 15, 2014, BOA meeting, the applicant requested a continuation of that hearing to the January 29, 2014 Board of Adjustment meeting.

Staff Recommendation And Conditions Of Approval: Based upon the preceding information, staff recommends the Board of Adjustment adopt a resolution denying the Variance request as it appears that the variances necessary are self-imposed.

Property Owner: Brian and Sheila Waller
2037 S. 41st Court
West Des Moines IA 50265

Applicant(s): David Kruse
Grand Homes and Renovation
PO Box 33
Altoona IA 50009
Grandhomes.renovations@yahoo.com

SITE DETAILS

Comprehensive Plan Designation: Low Density Residential
Existing Zoning Designation: Residential Estate (RE-1A)
Existing Land Use: Residential

Surrounding Land Uses:

North:	Comprehensive Plan Designation:	Low Density Residential
	Existing Zoning Designation:	Residential Estate (RE-1A)
	Existing Land Use:	Residential
South:	Comprehensive Plan Designation:	Low Density Residential
	Existing Zoning Designation:	Residential Estate (RE-1A)
	Existing Land Use:	Residential
East:	Comprehensive Plan Designation:	Low Density Residential
	Existing Zoning Designation:	Residential Estate (RE-1A)
	Existing Land Use:	Residential
West:	Comprehensive Plan Designation:	Low Density Residential
	Existing Zoning Designation:	Residential Estate (RE-1A)
	Existing Land Use:	Residential

ATTACHMENTS:

Attachment A	-	Board of Adjustment Resolution
Attachment B	-	Location Map & Photos of Existing House
Attachment C	-	2011 Variance Request Illustration
Attachment D	-	Minutes from the October 5, 2011 BOA meeting
Attachment E	-	Minutes from the November 2, 2011 BOA meeting
Attachment F	-	Current Variance Request Illustration

Prepared by: L.Twedt, Development Services, City of West Des Moines, P O Box 65320 West Des Moines IA 50265-0320 (515) 222-3620

When Recorded Return to: M Riesenbergs City of West Des Moines P O Box 65320 West Des Moines IA 50265-0320

RESOLUTION #

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, DENYING THE VARIANCE REQUEST (VAR-001978/VAR-2013-008) TO REDUCE THE REQUIRED FIFTY FOOT FRONT YARD SETBACK TO THIRTY-FOUR FEET

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the property owners, Brian and Sheila Waller, have requested approval of variance from Chapter 9, Section 7-4, Table 7.2 Minimum Setbacks to reduce the minimum required fifty foot front yard setback for the RE-1A Zoning District by sixteen feet on property locally known as 2037 S 41st Court;

and legally described as:

**Lot 6 Hidden Creek Estates, now included in and forming a part of
the City of West Des Moines, Polk County, Iowa.**

and;

WHEREAS, the West Des Moines Board of Adjustment has reviewed the above variance request at their meeting on January 29, 2014, and;

WHEREAS, the property is zoned Residential Estate (RE-1A) and;

WHEREAS, the West Des Moines Board of Adjustment hereby adopts the information contained in the report prepared by West Des Moines Development Services Department, which is made a part of this record and herein incorporated by reference, and;

WHEREAS, the City Code of West Des Moines, Section 2-2-4-A, establishes the authority of the Board of Adjustment to approve, deny, or modify a variation in the regulations of Title 9, Zoning, and;

WHEREAS, the West Des Moines Board of Adjustment has reviewed the above variance request at its meeting of January 29, 2014, and;

WHEREAS, information contained in the report prepared by the West Des Moines Development Services Department was presented and made a part of the record at the hearing; and

WHEREAS, additional evidence, and testimony was also presented at the hearing.

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for denial of the variance identified in the staff report dated January 29, 2014, or as amended orally at the hearing are adopted.

SECTION 2. The variance as indicated in the report prepared by the West Des Moines Community Development Department is hereby denied, based upon the findings stated in attached Exhibit 'A' and the information presented at the public hearing on January 29, 2014, and adopted in this resolution at their January 29, 2014, meeting.

PASSED AND ADOPTED on January 29, 2014.

Jennifer Drake, Chair
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on January 29, 2014 by the following vote:

AYES:
NAYS:
ABSTAIN:
ABSENT:

ATTEST:

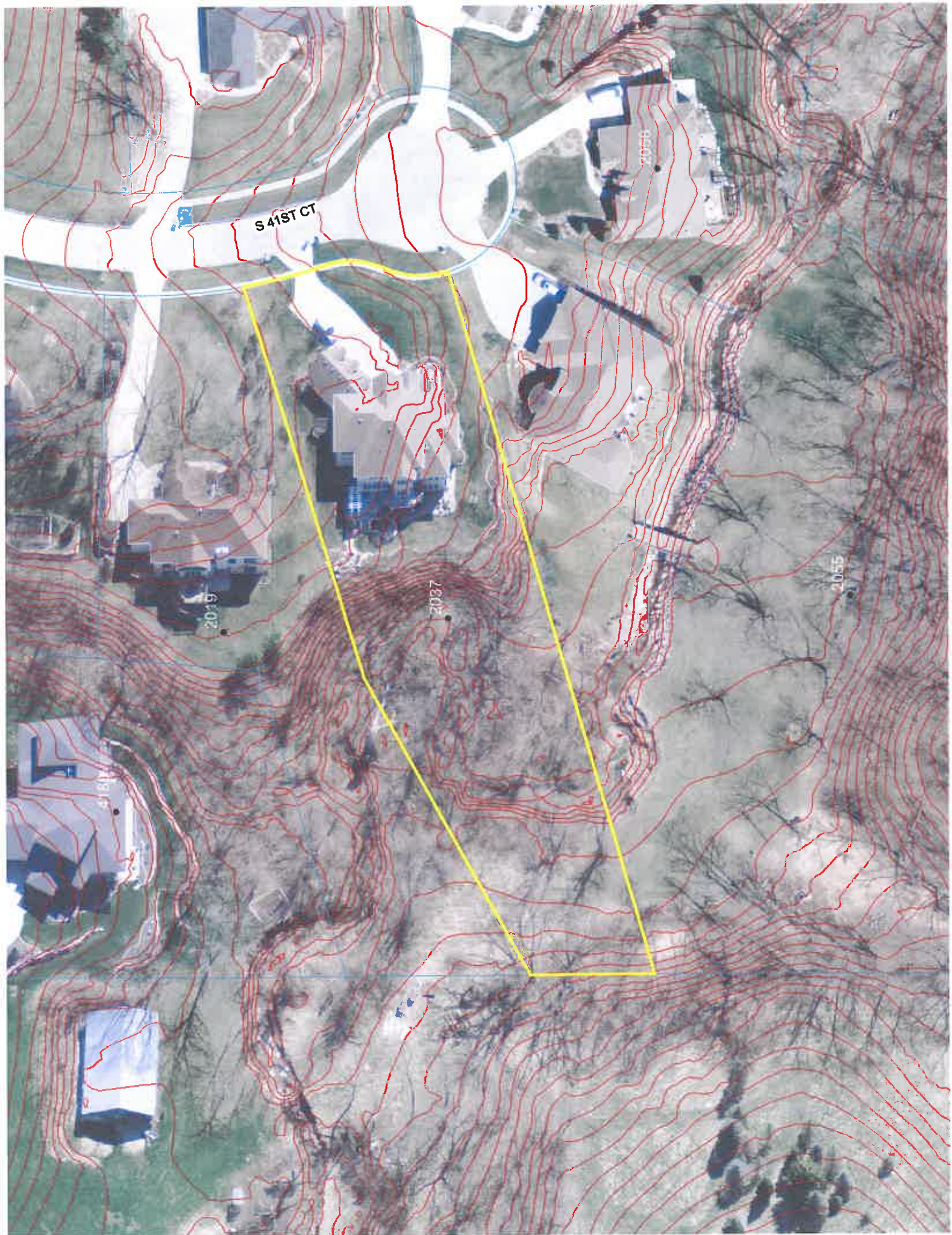
Recording Secretary

EXHIBIT 'A'
VARIANCE FINDINGS

Based upon a review of the submitted variance request, staff has made the following findings on the proposed project:

1. That the proposed development or use is consistent with the West Des Moines Comprehensive Plan and any applicable subarea plans. *The proposed development/use is consistent with the West Des Moines comprehensive plan. The property is zoned and is being used for single-family residential. The addition of the garage will not change the use of the subject property.*
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or locations, which do not generally apply to comparable properties in the same vicinity and zones. *Although zoned as Rural Estate (RE-1A), due to the long narrow configuration of the parcel in conjunction with severe topographic changes, the subject property has a buildable area that is more consistent with the R-1 Zoning District.*
3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest. *A RE-1A lot typically provides a large area in which to construct dwellings and structures in adherence to the minimum setback regulations for the district. Although staff can agree that this particular parcel is unique in that there are limits to where structures can be placed, and although the need to add the garage stall is to accommodate a family member with mobility limitations, it is difficult to determine that the desired garage addition and need for the variance is not self-imposed.*
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment. *No changes to the area have occurred. The applicant has indicated that the garage addition will be built in the same character, materials, and details as the existing structure. The proposed garage addition will not detrimentally affect the environment.*
5. That the granting of such variance does not, under the circumstances and conditions applied in this particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements. *The granting of the variance would not adversely affect the health or safety of persons, would not be materially detrimental to the public welfare and would not be injurious to nearby properties or improvements. The applicant previously provided documentation from adjoining property owners in support of the garage addition and necessary variance request.*





AREA OF GARAGE ADDITION NORTH SIDE



FRONT VIEW



HOUSE LAYOUT

Wert

42 - STANDARD DRIVEWAY APPROACH.

4 STREET
WILK

 $\frac{1}{4} = \frac{1}{4}$

June 20th 1902

Proposed Addition

LES
BCH

GARAGE

HOUSE

ELEV.: 98.2

SET HUB

TOP OF BANK 96.1

#2037 S. 41st ct. WDM

Lot 6 Hiram Creek Estates

Residential (RE) Zoning

45, 233 ~~4~~

owners: Brian and Sheila Kuhlenc

2037 to 41st Ct. 14PM 50265

S687-146 Sarah Ann
Application; Lewis Add

20.86

BUH SET

23.43

15.33'

20.67'51

20

18

BOARD OF ADJUSTMENT MEETING MINUTES

October 5, 2011

Item 3b – Variance Request – Waller Garage Addition – Brian and Sheila Waller – 2037 South 41st Court – Variance request from both the front and side yard building setback requirements to allow construction of an addition to the garage – VAR-2011-008

Chairperson Gutshall opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary informed the Board that the notice was published on September 16, 2011, in the Community Section of the Des Moines Register.

Chairperson Gutshall then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Motioned by Board member Stewart, seconded by Board member Drake, the Board of Adjustment accepts and makes a part of the record all testimony and all other documents received at this public hearing.

Vote: Stewart, Drake, Gutshall Yes
 Christiansen, Taylor Absent
 Motion carried.

The Recording Secretary noted that a memo was placed on the table with a letter of support from an adjoining property owner.

David Kruse, Grand Homes and Renovation, 2265 Heartstone Circle, Altoona, Iowa, representing the applicant, spoke to the variance request noting that the addition is proposed to be located to the north side of the garage and are aware that they will be encroaching into the north and side yard setbacks for this addition. They are of the understanding that City staff does not recommend approval of the variance request. Mr. Kruse showed various photos of the house where the addition is proposed to be constructed. The driveway approach will match the addition and the addition itself will have the same architectural features as the applicant's primary residence. A petition signed by the adjoining property owners was provided and indicated support of the applicant's proposed garage addition. In conclusion, Mr. Kruse noted that there have been other instances in the past with residents being granted a variance similar to the one the applicant is requesting.

Chairperson Gutshall stressed to Mr. Kruse that the Board cannot rewrite the City Code and in his personal opinion hardships need to be established in order for the Board to grant a variance request. He cited a terrain issues as a viable hardship. Mr. Kruse responded that the applicant's property does have a severe terrain issue to the rear and the south.

Board member Drake verified if they have reviewed all other opportunities to extend the addition and asked what the hardship would be on the property for the Board to grant the variance.

Carrie Norris, Grand Homes and Renovations, 2265 Heartstone Circle, Altoona, Iowa, briefly commented that the only other option is to park vehicles on the street, which the neighbors prefer not to see. There is also a safety issue with the applicant's mother visiting and having to walk from the street to their home. For these reasons, they ask for the variance for the 4th car garage.

Brian Waller, 2037 South 41st Court, West Des Moines, stated that they are of the understanding that the Board of Adjustment is to project homeowners within an association. Mr. Waller discussed the differences in setbacks for a Single Family Residential zone and a Residential Estate zone. It was their understanding that after speaking with their surrounding neighbors and receiving support from them that the Board would be in support of their request as well.

BOARD OF ADJUSTMENT MEETING MINUTES

October 5, 2011

Chairperson Gutshall responded that if they were to grant the variance, concerns exist in setting a precedence.

Mr. Waller commented that he understands each situation is unique but hoped that with 100% agreement from their neighbors, the fact that the features of the addition will match their primary residence, and the covenants of the their development do not allow parking their vehicles on the street, would be in their favor in the Board granting their variance request. In their opinion, not having a 4th car garage is in a way a hardship. He concluded that they do not have any association nor do they pay dues or fees and the covenants for the development are effective until 2015.

Board member Drake asked the applicant to give reasoning why the variance should be granted.

Mr. Waller replied that if their property was zoned R-1, they would not need the variance request and because their property is zoned RE, a variance request is required. Ms. Waller added that they feel their request is self-imposed because they would like to have the 4th car garage but also do not feel that it is self-imposed because the garage can only be placed on the one side of their property due to the side yard setback and the angle in which the original garage was placed. The covenants state that the house had to be a certain square footage, a certain number of garage stalls, and other specific guidelines.

Board member Drake stated concern in that if they grant the variance it could set precedence in having other West Des Moines residents wanting to do the same thing.

Mr. Waller made note that their development is very small and not having the 4th car garage would be impacting the entire development.

Chairperson Gutshall commented that in his opinion the applicant's lot is the hardship since they reside on one-third of it and the other two-thirds is unbuildable.

Ms. Norris commented that the applicant's hardship is that they don't have any other viable locations in which to place the addition on their property.

Chairperson Gutshall inquired as to how many other homes in the development have four (4) car garages. Mr. Waller responded all the lots have four (4) car garages with exception to theirs, which has three (3).

Mr. Kruse stated that he feels that the Waller's situation has enough differentiation in that granting the request would not be setting precedence.

Discussion ensued about the option to defer action until more Board members would be present.

Chairperson Gutshall asked the applicant if the applicant would be in agreement with continuing this item two (2) weeks in the hopes of having all five (5) Board members present. Mr. and Mrs. Waller replied that they would be in agreement with continuing their request two weeks to the next meeting.

Moved by Board member Drake, second by Board member Stewart, the Board of Adjustment continue this public hearing item two (2) weeks to the next meeting and that the public hearing item remains open.

Vote: Drake, Stewart, Gutshall.....Yes
Christiansen, Taylor.....Absent
Motion carried.

BOARD OF ADJUSTMENT MEETING MINUTES

October 5, 2011

Mr. Shires commented that staff will provide aerial photography and visual topography to better enhance the Board's interpretation of the applicant's property, specifically, their rear yard, at their next meeting.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

The Recording Secretary reminded the Board that there will be a meeting held on October 19th and that there were now three (3) items of interest on the agenda.

Item 6 - Adjournment

Chairperson Gutshall asked for a motion to adjourn the meeting.

Motioned by Board member Stewart, seconded by Board member Drake, the Board of Adjustment meeting adjourns.

Vote: Stewart, Drake, Gutshall..... Yes
Christiansen, Taylor..... Absent

Motion carried.

The meeting adjourned at 6:07 p.m.

Leonard Gutshall, Chairperson
Board of Adjustment

Michelle Riesenberg, Recording Secretary

BOARD OF ADJUSTMENT MEETING MINUTES

November 2, 2011

5. Prior to receiving a building permit, all staff comments on the site drawings must be addressed and final, properly signed with original signatures drawings are submitted and accepted by City staff.

Vote: Christiansen, Stewart, Drake, Gutshall..... Yes
 Taylor..... Absent
 Motion carried.

Item 2b – Variance Request – Waller Garage Addition – Brian and Sheila Waller – 2037 South 41st Court – Variance request from both the front and side yard building setback requirements to allow construction of an addition to the garage - VAR-2011-008 (Continued from 10/26/2011)

Board member Gutshall explained that the public hearing for this item had been suspended at their last meeting and that he will now re-open the public hearing at this time.

Chris Pose, Connolly Law Firm, 317 Sixth Avenue, Suite 300, Des Moines, along with David and Sherry Kruse, briefed the Board noting that the applicants wish to construct a fourth garage on their property as all other residences in their neighborhood have four car garages. The variance is needed for both the side and front yards to be able to construct the garage. Mr. Pose provided and made a part of the record several photographs of the applicant's property from various angles specifically noting topography as a hardship issue. Mr. Pose also submitted for the record a letter of support of the variance request from Mr. O'Connor, a neighbor immediately to the north of the Waller residence, who would be the most affected by an encroachment into the setbacks. Mr. Pose concluded that the applicant feels that the lot itself as well as the topography provides the necessary hardships that were questioned at the October 5th meeting. A fourth garage would be in character with the other properties in the neighborhood as they all have four car garages and consent from all 11 neighbors assist in establishing their reasoning for the need for a variance request.

Board member Drake clarified if there were other possible locations, including the possibility of extending an existing garage, in which to place a fourth car garage that would not impact the setbacks.

Mr. Pose responded that if the proposed garage is located any further to the north they would be encroaching into the side yard setback. The front yard is not a viable option either as that area slopes severely to the south and locating it there would be outside the character of the neighborhood. If it were situated on the end of the existing garage, it may not be as noticeable nor offend the side yard setback. There are no other practical or possible places to put the garage.

Board member Drake asked for clarified of the location of the 15 foot side yard setback. Mr. Pose provided a photograph that illustrates the location of the 15 foot side yard setback, which is just inside the basketball hoop. The basketball hoop is located outside the 15 feet and the garage would not be located any closer than where the basketball.

Board member Drake asked if the setbacks of the home have been modified since 2001.

Brian Waller, 2037 S. 41st Court, West Des Moines, responded that the setbacks have not changed since then and at that time, their children were very young and they had not considered a fourth car garage addition. Most of the lots in the development are about one acre in size but that two-thirds of their acreage is unbuildable due to the existing ravine on the property.

Board member Drake then inquired as to how many feet from the applicant's home is needed to construct the garage.

BOARD OF ADJUSTMENT MEETING MINUTES

November 2, 2011

David Kruse, Grand Homes and Renovation, 2265 Heartstone Circle, Altoona, commented that the new proposed space would be extending mostly on the front and partially on the side.

Board member Drake confirmed that the existing garage is approximately one (1) foot from the setback.

Christopher Shires, Development Planning and Inspection Manager, added that the closest corner on the front face of the garage is at the setback line. The new addition is approximately 16 ft. by 18 ft.

Kara Tragesser, Planner, opinioned that if the variance were granted it would set precedence for the addition of a garage. There are some instances in which topography has been an issue and the Valley Junction area has certain regulations for their garages. However, precedence has not been set within a one (1) mile radius of this property. Therefore, if the variance were granted, it would set precedence for the RE-1A district throughout the City. The minutes from the Board meeting of October 5th noted that Ms. Waller had stated that their want for a 4th car garage is a self-imposed hardship. Financial hardships are not considered a viable hardship when variance requests are reviewed. Currently the house and existing garages do meet the requirements for their zoning district. One of the City Code requirements is that a single family residence needs to have a space for two cars, which they have met, so as the house currently stands it meets all code requirements. In talking with the Fire Marshal, at a certain gross square footage, there is a cumulative percent of additions that may bring this residence into the requirements for fire sprinkling of the home. The hardship issue is being able to comply with the City Code without a self-imposed hardship. Ms. Tragesser concluded that exploring the possibility of acquiring land from Mr. O'Connor to the north to may provide enough room to meet setback requirements.

Mr. Pose commented that the applicant feels that the design meets the best location on the property for the proposed garage added to the existing one. There are no other plausible locations to place the garage given the topography of their rear yard. They feel that with Mr. O'Connor's support provides uniqueness to their request.

Chairperson Gutshall asked for any additional questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Mr. Shires indicated that the photographs that were provided by the applicant will be made a part of the record. Board member Drake commented that her main concern is that the City has stated that the applicant's request is primarily a self-imposed hardship and by granting the variance could set precedence with future requests.

Dick Scieszinski, City Attorney, reminded the Board to take the requirements and evidence into consideration when making their decision. Mr. Shires added that Page 2 of the staff report lists the findings and that all five need to be made when granting a variance. Staff is proposing that they do not have an issue with findings 1, 4, and 5 and that they do have issues with findings #2 and #3.

Board member Christiansen indicated that although he understands the applicant's desire for an additional garage, he is struggling with finding a hardship for them that is not self-imposed.

Mr. Pose made note that they have not explored the option with staff of acquiring land from Mr. O'Connor's property to the north as was stated earlier and that they would prefer that the item be deferred to have time to explore that option further as opposed to having their variance request denied.

Ms. Tragesser responded that by deferring their variance request would only satisfy their side yard setback requirements not the front yard as they cannot purchase right-of-way from the City.

BOARD OF ADJUSTMENT MEETING MINUTES

November 2, 2011

Mr. Shires added that if the Board chooses to continue this item to a date certain they would not have to renotify it but if it is continued to a date uncertain, the public hearing would need to be renoticed.

Moved by Board member Christiansen, seconded by Board member Stewart, the Board of Adjustment defer to a date uncertain the variance request for the Waller garage addition to allow the applicant to explore the option of purchasing additional land from an adjoining property owner.

Vote: Christiansen, Stewart, Drake, Gutshall..... Yes
Taylor..... Absent

Item 3 – Public Hearings

There were no New Business items presented.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

The Recording Secretary reminded the Board members that there will be a meeting held on November 16, ²⁰¹¹ and the item of discussions will include a variance request and approval of the 2012 meeting schedule.

Item 6 - Adjournment

Chairperson Gutshall asked for a motion to adjourn the meeting.

Motioned by Board member Drake, seconded by Board member Christiansen, the Board of Adjustment meeting adjourns.

Vote: Drake, Christiansen, Gutshall Stewart..... Yes
Taylor..... Absent
Motion carried.

The meeting adjourned at 6:09 p.m.

Leonard Gutshall, Chairperson
Board of Adjustment

Michelle Riesenberg, Recording Secretary

2014

M

LOT 6 HIDDEN CREEK ESTATES

2037 SO. 41ST CT. WDM

HOUSE LAYOUT

OWNERS: BRIAN AND STELLA WALKER
 APPLICANT: GRAND HOMES, 971-6395
 RESIDENTIAL (R.E.) ZONING
 45,233 ± LOT SIZE

